

Notice of Allowability

Application No.

09/400,624

Applicant(s)

MONROE ET AL.

Examiner

Herng-der Day

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response received 5/13/04 and 8/6/04.
2. ☒ The allowed claim(s) is/are 1-3 and 5-19.
3. ☒ The drawings filed on 13 May 2004 and 06 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Mayphan
Thai Phan
Patent Examiner
AU: 2128

DETAILED ACTION

1. This communication is in response to Applicants' Response to Office Action dated February 25, 2004, mailed May 10, 2004 and received by PTO May 13, 2004, as well as Applicants' Supplemental Response faxed August 6, 2004.

1-1. Claims 1, 8, 11, 14, and 17 have been amended. Claim 4 has been cancelled. Claims 1-3 and 5-19 are pending.

1-2. Claims 1-3 and 5-19 have been examined and allowed.

Interview Summary

2. While reviewing Applicants' Response received May 13, 2004, the Examiner located the potential nonstatutory double patenting problem. Furthermore, the Examiner was unclear of Applicants' argument regarding the difference between simulation and protocol conversion.

On August 5, 2004, the Examiner telephoned Mr. Mark C. Van Ness (Reg. No.: 39,865) to discuss these problems. In response to the telephone discussion, Applicants filed a terminal disclaimer and submitted a Supplemental Response on August 6, 2004, canceled claim 4 and amended all the independent claims 1, 8, 11, 14, and 17.

Reasons for Allowance

3. The following is an Examiner's statement of reasons for allowance:

3-1. The closest prior art of record discloses:

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(1) A method for gathering and sending monitored traffic data via a short messaging system message over a wireless network through a PSTN to a central computer (Roberts, Jr., U.S. Patent 6,384,739 B1);

(2) An apparatus for providing multiple network services using a single serial communications port (Jacoher et al., U.S. Patent 6,13,608); and

(3) A facsimile transmission in a digital cellular radio network (Suomi et al., U.S. Patent 5,537,458).

3-2. Claims 1-3 and 5-19 are deemed novel and non-obvious over the prior art of record, and are allowed. All the amended independent claims 1, 8, 11, 14, and 17 provide that simulation of a circuit switched call link to user equipment is provided utilizing application layer object code built over a GSM protocol stack as argued by Applicants at page 9 of the Supplemental Response faxed August 6, 2004, and also shown in FIG. 15B and FIG. 15C. This feature has not been uncovered in a single teaching, nor would a modification of prior art references be obvious to one of ordinary skill in the art to yield these limitations in the context of the claim.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (703) 305-5269. The Examiner can normally be reached on 9:00 - 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jean Homere can be reached on (703) 308-6647. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Herng-der Day
August 6, 2004

Thayphan
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